

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:

CASE NO.: 11-bk-00478-PMG

LARRY C. WYNN
and WANDA C. WYNN,
Debtors.

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**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED
STATUS OF SECOND MORTGAGE OF WELLS FARGO BANK, N.A.
(CLAIM 14) AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtors' Motion To Determine Secured Status Of Second Mortgage Of Wells Fargo Bank, N.A. (Claim 14) And To Strip Lien Effective Upon Discharge (the "Motion"). For the reasons set forth in the Debtors' Motion, the Court finds it appropriate to grant the Debtors' Motion. The Court further finds that negative notice contained in the Motion was proper, that the Motion was properly served pursuant to Local Rule 2002-4 and that no opposition thereto has been filed. Accordingly, it is

ORDERED as follows:

1. The Motion is **GRANTED**.
2. Claim Number Fourteen (14) filed by Wells Fargo Bank, N.A. shall be treated as an unsecured claim in this Chapter 13 Case.
3. The real property (the "Real Property") that is the subject of the Motion is located at 8872 Heckscher Drive, Jacksonville, FL 32226, and is more particularly described as follows:

A portion of Section 25, Township 1 South, Range 28 East, Duval County, Florida, according to Plat of that portion of said Township, lying North of the St. Johns River, approved by Fred C. Elliot, Chief Drainage Engineer for the State of Florida, in May 1945, and on file on the Office of the Commissioner of Agriculture of the State of Florida, the land being more particularly described as follows:

See Warranty Deed recorded in the Public Records of Duval County, Florida in Book 7828, Page 2014

4. The mortgage held by Wells Fargo Bank, N.A. (Claim 14) which was recorded on or
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about November 30, 2004 in Duval County, Florida shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtors' discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of Wells Fargo Bank, N.A.'s lien prior to the entry of the Debtors' discharge. Further, if this case is converted to a case under Chapter 7, or if this Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be restored as a secured debt.

DATED: August 17, 2011

Paul M. Glenn
PAUL M. GLENN
Chief United States Bankruptcy Judge

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
F.B. VOL. 54, NO. 7395

Copies to:
Debtors
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